HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 96 (S/S) OF 2000

1. Kumari Chandra Kanta D/o Mr. Shivcharan Singh
   Resident of Jaspur, District Udham Singh Nagar.
2. Kumari Adesh D/o Mr. Murari Singh
   Resident of Jaspur, District Udham Singh Nagar...

.....Petitioners

Versus

1. State of Uttaranchal through Secretary Basic.
2. Director Education Basic, Dehradun.
3. Zila Basic Shiksha Adhikari, District Udham Singh Nagar (Rudrapur) .....Respondents

Mr. Khalil Ahmed, Advocate, Counsel for the petitioners
Standing Counsel for the respondents

Dated 10.7.2006

Hon'ble Rajesh Tandon, J.

Heard Sri Khalil Ahmad, Advocate counsel for the petitioner Standing Counsel for the respondent No. 1,2, &3, and Sri Sudhir Singh, Advocate, counsel for the for the N.C.T.E.

By the present writ petition, the petitioners have prayed for a writ of mandamus commanding the respondents to treat the B.T.C. correspondence course having been done by the petitioners as equivalent to B.T.C. regular course and accordingly the respondents may be directed to consider the petitioners for the appointment as a teacher in Prathamic Vidhyalaya.

Briefly stated, the petitioners have completed their correspondence course for the B.T.C. Maharshi Bhardwa Ahil Bhartiya Rastra Bhasha Vigyan Sansthan Shahjahanpur, U.P. which is equivalent to B.T.C. regular course.

On 21.8.2000 in Writ Petition No. 36726 of 2000 Arjun Singh Vs. State of U.P. and others the following order was passed :-

"The petitioner has done B.T.C. course by correspondence. It has been alleged in the writ petition that the petitioner's case is similar to the case of Sri Prakash Srivastava decided by this Court on 23.4.1999 by means of writ petition No. 17252 of 1999. This writ petition is also disposed of in the same terms and with the same directions as contained in the aforesaid judgment."

In Writ petition No. 48138/2000 Dharam Singh Vs. State of U.P. and others, the following order was passed :-

"The petitioner has gone B.T.C. correspondence course but he is not being considered for appointment in junior Basic Schools as he has not gone B.T.C. regular course.

It has been held by this court in Ramesh pratap Singh Vs. State of U.P. and others 1993(2) ALR 88, that B.T.C. correspondence course should be treated as equivalent to B.T.C. regular course.

Following the said judgment, this petition is allowed. The petitioner should be treated as equivalent to the regular B.T.C. course and the

petitioner should be considered accordingly. No order as to costs."

In **State of Maharastra Vs. Sant Dnyaneshwar Shikshan Shastra Mahavidyalaya, 2006, A.I.R., SCW 2048,** it has been held as under :-

"it is thus clear that the Central Government has considered the subject of Secondary Education and Higher Education at the national level. The Act of 1993 also requires Parliament to consider Teacher Education System 'throughout the country'. NCTE, therefore in our opinion, is expected to deal with applications for establishing new B.Ed. colleges or allowing increate intake capacity, keeping in view 1993 Act and planned and co-ordinated development of teacher-education system in the country." "

The petitioners shall be entitled for the relief in the event aforesaid conditions of National Counsel for Teacher's Education is followed. Petitioners are permitted to make a representation to the concerned authority, if he fulfills the conditions framed by the N.C.T.E.

Subject to above, writ petition is dismissed.

10.7.2006 (Rajesh Tandon, J.)